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#### **U.S.** Department of Justice

United States Attorney Southern District of New York

The Silvio J. Mollo Building One Saint Andrew's Plaza New York, New York 10007

September 16, 2020

#### By ECF

The Honorable Paul A. Crotty United States District Judge Southern District of New York 500 Pearl Street, Courtroom 14C New York, New York 10007

Re: United States v. Joshua Adam Schulte, S3 17 Cr. 548 (PAC)

Dear Judge Crotty:

We write in response to the Court's August 17, 2020 order directing the parties to identify anticipated pretrial submissions. We expect pretrial submissions to include (i) a defense motion, if any, addressing the S3 Superseding Indictment; (ii) motions *in limine*; and (iii) revised requests to charge and verdict form. We expect that the Government's motions *in limine* will be limited to addressing issues stemming from the first trial, including the admissibility of the conduct for which the defendant was convicted at the first trial and if and how the parties and witnesses will refer to the first trial (such as during cross-examination about prior testimony), as well as any issue arising from the defendant's outstanding challenge to Government expert testimony and opinions. Attached as Exhibit A is a proposed schedule for those submissions and the retrial.

As the Court is aware, we are prepared to set a trial date and believe that the Court may do so in light of the current state of this case and COVID-19. We understand that defense counsel will be submitting a letter today identifying impediments to setting a trial date. We respectfully request until September 21, 2020 to respond to that letter.

Respectfully submitted,

AUDREY STRAUSS Acting United States Attorney

by: /s/
David W. Denton, Jr. / Sidhardha Kamaraju /
Matthew Laroche
Assistant United States Attorneys

(212) 637-2744 / 6523 / 2420

cc: Defense Counsel (by ECF)

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

S3 17 Cr. 548 (PAC)

-V.-

[PROPOSED] ORDER

JOSHUA ADAM SCHULTE,

Defendant.

### PAUL A. CROTTY, United States District Judge:

The parties shall comply with the following schedule:

October 26, 2020 Defendant to file any motion addressing the S3

Superseding Indictment.

November 16, 2020 Government to file its opposition to the defendant's motion

addressing the S3 Superseding Indictment.

December 7, 2020 Parties to file motions *in limine* and 404(b) notice.

December 14, 2020 Parties to file requests to charge and verdict form.

December 21, 2020 Parties to file oppositions to motions in limine.

January 11, 2021 Government to produce any additional 3500 and *Giglio* 

material.

January 19, 2021 Final pretrial conference.

January 25, 2021 Jury selection and trial.

SO ORDERED.

Dated: September , 2020

New York, New York

THE HONORABLE PAUL A. CROTTY UNITED STATES DISTRICT JUDGE